

BOARD OF COUNTY COMMISSIONERS, UTAH COUNTY, UTAH
MINUTES OF PUBLIC MEETING
COMMISSION CHAMBERS, ROOM 1400
OF THE UTAH COUNTY ADMINISTRATION BUILDING
November 4, 2014 - 9:00 A.M.

PRESENT: COMMISSIONER GARY J. ANDERSON, CHAIR
COMMISSIONER LARRY A. ELLERTSON, VICE-CHAIR
COMMISSIONER DOUG WITNEY

ALSO PRESENT:

Jeffrey R. Buhman, Utah County Attorney
David Shawcroft, Utah County Deputy Attorney
Robert J. Moore, Utah County Deputy Attorney
Paul Jones, Utah County Deputy Attorney
Cort Griffin, Utah County Deputy Attorney
Bryan E. Thompson, Utah County Clerk/Auditor
Burt Harvey, Clerk/Auditor - Tax Admin. Supervisor
Sandy Nielson, Clerk/Auditor's Office - Tax Admin.
Vicky Westergard, Clerk/Auditor's Office - Tax Admin.
Kris Poulson, Utah County Assessor
Keven Ewell, Utah County Assessor's Office
Peter A. Jeppsen, Utah County Assessor's Office
Clarissa Reeve, Utah County Assessor's Office
Bryce Armstrong, Community Development
Brandon Larsen, Community Development
Joshua K. Ivie, Community Development
Neil Peterson, Information Systems Director
Diane Butler, Information Systems
Shad Ruf, Information Systems
Jeff Wilkinson, Information Systems

Julie Rollins, Utah County Purchasing Agent
Ralph Clegg, Utah County Health Department
Richard Nance, Drug&Alcohol Prevention&Treatment
Lana Jensen, Utah County Personnel Director
Jane Ivie, Personnel Office
Don Nay, Utah County Public Works Assoc. Director
Andrea Allen, Utah County Recorder's Office
James O. Tracy, Utah County Sheriff
Kevin Cortez, Utah County Sheriff's Office - Fire
Darin Durfey, Utah County Sheriff's Office
Dalene Higgins, Utah County Sheriff's Office
Wally Perschon, Utah County Sheriff's Office
Shawn Radmall, Utah County Sheriff's Office
Gary Ratcliffe, Utah County Surveyor
Robert C. Kirk, Utah County Treasurer
Dana Barney, Utah County Treasurer's Office
Jeanne Bowen, Utah County Treasurer's Office
April Juber, Utah County Treasurer's Office
Mike Stansfield, Fairways Media
Renée Huggins-Caron, Clerk/Auditor Admin. Assist.

Commissioner Anderson called the meeting to order at 9:04 A.M. and welcomed those present. The following matters were discussed:

PRAYER/READING/THOUGHT: Larry A. Ellertson, Utah County Commissioner

PLEDGE OF ALLEGIANCE: Doug Witney, Utah County Commissioner

The Board momentarily recessed to assemble as The Board of Equalization of Utah County from 9:06 A.M. to 9:08 A.M. The Utah County Board of Commissioners reconvened at 9:08 A.M., and the commissioners moved forward with the following agenda items.

CONSENT AGENDA

1. **APPROVE THE COUNTY HOLIDAY SCHEDULE FOR 2015**
2. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN THE FY2014 HOMELAND SECURITY GRANT AWARD DOCUMENT AND ARTICLES OF AGREEMENT FOR THE EOD (EXPLOSIVE ORDINANCE DISPOSAL) GRANT FROM THE UTAH DEPARTMENT OF PUBLIC SAFETY**

UTAH COUNTY BOARD OF COMMISSIONERS

MINUTES - November 4, 2014

Page 2

The Board requested that Consent Agenda Item No. 2 be moved to the Regular Agenda for discussion.
PULLED TO REGULAR

3. ACCEPT A QUIT CLAIM DEED FROM JOLENE MONK, AND A SEPARATE QUIT CLAIM DEED FROM KEVIN MONK, FOR PORTIONS OF 1750 WEST STREET NEAR SPANISH FORK CITY

The Board requested that Consent Agenda Item No. 3 be moved to the Regular Agenda for discussion.
PULLED TO REGULAR

4. APPROVE TAX CREDITS AND REFUNDS RECOMMENDED BY THE COUNTY ASSESSOR'S OFFICE IN CANCELLATION AND CORRECTION LETTER NO. 60314, DATED OCTOBER 29, 2014

The Board requested that Consent Agenda Item No. 4 be moved to the Regular Agenda for discussion.
PULLED TO REGULAR

5. APPROVE REDUCING THE PENALTY IN THE AMOUNTS LISTED FOR THE ATTACHED PERSONAL PROPERTY ACCOUNTS, HAVING BEEN IDENTIFIED AS MEETING THE QUALIFICATIONS UNDER ORDINANCE NO. 2010-4 AND RESOLUTION NO. 2011-64 OF THE UTAH COUNTY CODE

6. ABATE PERSONAL PROPERTY ACCOUNTS ATTACHED FOR THE YEARS INDICATED, HAVING BEEN IDENTIFIED AS UNCOLLECTIBLE; THERE ARE NO ASSETS AVAILABLE

7. ADOPT A RESOLUTION APPROVING VOLUNTEERS WHO WISH TO DONATE THEIR SERVICES TO THE UTAH COUNTY HEALTH DEPARTMENT

8. APPROVE THE MINUTES OF THE SEPTEMBER 23, 2014 COMMISSION MEETING

9. APPROVE THE MINUTES OF THE SEPTEMBER 30, 2014 COMMISSION MEETING

10. RATIFICATION OF PAYROLL

Period 22	7 Checks: \$ 3,851.09	1,100 Total Deposits: \$1,461,563.05	Total: \$1,465,414.14
		Federal Payroll Taxes	Total: \$ 218,725.45

11. RATIFICATION OF WARRANT REGISTER SUMMARY

Register No. 1042	October 27, 2014	Direct Deposit:20695-20701	Total: \$ 6,460.07
Register No. 1043	October 27, 2014	Check Nos. 200330-200352	Total: \$ 40,103.23
Register No. 1044	October 27, 2014	Direct Deposit:20702-20703	Total: \$ 1,308.10
Register No. 1045	October 27, 2014	Check Nos. 200353-200377	Total: \$ 33,047.96
Register No. 1046	October 28, 2014	Direct Deposit:20704-20708	Total: \$ 760.42
Register No. 1047	October 28, 2014	Check Nos. 200378-200392	Total: \$ 75,089.86
Register No. 1048	October 29, 2014	Purchasing Cards 3331-3331	Total: \$ 91,973.14
Register No. 1049	October 29, 2014	Check Nos. 200393-200404	Total: \$ 837.60
Register No. 1050	October 29, 2014	Check Nos. 200405-200414	Total: \$ 10,077.48
Register No. 1051	October 29, 2014	Check Nos. 200415-200475	Total: \$ 2,610.00
Register No. 1052	October 29, 2014	Check Nos. 200476-200476	Total: \$ 300.00
Register No. 1053	October 29, 2014	Direct Deposit:20709-20722	Total: \$ 1,753.66
Register No. 1054	October 30, 2014	Purchasing Cards 3332-3350	Total: \$ 55,086.02
Register No. 1055	October 30, 2014	Check Nos. 200477-200479	Total: \$ 1,747.00
Register No. 1056	October 30, 2014	Direct Deposit:20723-20733	Total: \$ 13,000.22
Register No. 1057	October 30, 2014	Check Nos. 200480-200510	Total: \$ 22,855.82
Register No. 1058	October 30, 2014	Check Nos. 200511-200559	Total: \$ 51,523.90

UTAH COUNTY BOARD OF COMMISSIONERS
 MINUTES - November 4, 2014
 Page 3

Register No. 1059	October 30, 2014	Bond Wires:329-329	Total: \$ 218,725.45
Register No. 1060	October 30, 2014	Direct Deposit:20734-20742	Total: \$ 692,160.37
Register No. 1061	October 30, 2014	Check Nos. 200560-200574	Total: \$ 83,054.92
Register No. 1062	October 31, 2014	Direct Deposit:20743-20743	Total: \$ 416.28
Register No. 1063	October 31, 2014	Check Nos. 200575-200575	Total: \$ 568.55
Register No. 1064	October 31, 2014	Check Nos. 200576-200583	Total: \$ 23,020.00
Register No. 1065	October 31, 2014	Check Nos. 200584-200584	Total: \$ 30,325.00
			<u>Total: \$1,456,805.05</u>

Consent Agenda Item Nos. 1, and 5 through 11, were approved as written. Commissioner Anderson recommended the following Regular Agenda items be moved to Consent:

3. **ADOPT (OR DENY) AN ORDINANCE TO AMEND THE UTAH COUNTY LAND USE ORDINANCE, SUBSECTION 7-24-C-4, RELATED TO REQUIREMENTS FOR AMENDMENTS TO THE ZONING MAP WHICH CHANGES THE ZONING OF PROPERTY TO THE RURAL RESIDENTIAL (RR-5) ZONE**
4. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN AMENDMENT NO. 1 TO AGREEMENT NO. 2014-327 WITH THE UTAH STATE DEPARTMENT OF HEALTH TO PROVIDE FUNDING FOR THE HEALTHY LIVING THROUGH ENVIRONMENT, POLICY AND IMPROVED CLINICAL CARE (EPICC)**
9. **ADOPT A RESOLUTION OF APPOINTMENT OF LAURA CABANILLA TO THE UTAH COUNTY CAREER SERVICE COUNCIL**
10. **ADOPT A RESOLUTION REAPPOINTING DIANNE CARR, GAYE RAY, AND CLYDE NIELSEN TO THE UTAH COUNTY BOARD OF HEALTH**

ACTIONS TAKEN

Consent Agenda Item Nos. 1, 5, 8 and 9 were approved; Nos. 2, 3, and 4 were tabled for further discussion; No. 6 was abated; No. 7 was adopted; and Nos. 10 and 11 were ratified. Regular Agenda Item Nos. 3, 9, and 10 were adopted; and No. 4 was approved and authorized.

AGREEMENT NOS.: 2014-737, 2014-738, 2014-739 and 2014-740
 RESOLUTION NOS.: 2014-114, 2014-115, and 2014-116
 ORDINANCE NO.: 2014-11

REGULAR AGENDA

(PULLED FROM CONSENT)

2. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN THE FY2014 HOMELAND SECURITY GRANT AWARD DOCUMENT AND ARTICLES OF AGREEMENT FOR THE EOD (EXPLOSIVE ORDINANCE DISPOSAL) GRANT FROM THE UTAH DEPARTMENT OF PUBLIC SAFETY**

UTAH COUNTY BOARD OF COMMISSIONERS
MINUTES - November 4, 2014
Page 4

Utah County Sheriff James O. Tracy clarified that this grant is for pass-through funds from Homeland Security; it has been delegated for the Bomb Squad 8 region. Twenty-five thousand dollars will be provided for hearing protection, as well as \$370,000 for robots throughout the region. This is a recurring grant.

Commissioner Ellertson made the motion to approve and authorize the FY2014 Homeland Security Grant Award Document and Articles of Agreement for the Utah Department of Public Safety as defined in Consent Agenda Item No. 2. The motion was seconded by Commissioner Witney and carried with the following vote:

**AYE: Gary J. Anderson
Larry A. Ellertson
Doug Witney
NAY: None**

AGREEMENT NO. 2014-741

(PULLED FROM CONSENT)

3. ACCEPT A QUIT CLAIM DEED FROM JOLENE MONK, AND A SEPARATE QUIT CLAIM DEED FROM KEVIN MONK, FOR PORTIONS OF 1750 WEST STREET NEAR SPANISH FORK CITY

Utah County Surveyor Gary Ratcliffe explained that a meeting with the Monks on other zoning and title issues led to him asking whether they would consider deeding the road to the county; they were amenable. Mr. Ratcliffe reviewed the map for Commissioner Ellertson.

Commissioner Ellertson made the motion to accept the Quit Claim Deed from Jolene Monk, and a separate Quit Claim Deed from Kevin Monk, for portions of 1750 West Street near Spanish Fork City as specified in Consent Agenda Item No. 3. The motion was seconded by Commissioner Witney and carried with the following vote:

**AYE: Gary J. Anderson
Larry A. Ellertson
Doug Witney
NAY: None**

AGREEMENT NO. 2014-742

(PULLED FROM CONSENT)

4. APPROVE TAX CREDITS AND REFUNDS RECOMMENDED BY THE COUNTY ASSESSOR'S OFFICE IN CANCELLATION AND CORRECTION LETTER NO. 60314, DATED OCTOBER 29, 2014

Utah County Clerk/Auditor Bryan E. Thompson confirmed that the noted parcels were indeed struck from the Tax Sale.

Commissioner Ellertson made the motion to approve the tax credits and refunds recommended by the County Assessor's Office in Cancellation and Correction Letter No. 60314 as detailed in Consent Agenda Item No. 4. The motion was seconded by Commissioner Witney and carried with the following vote:

**AYE: Gary J. Anderson
Larry A. Ellertson
Doug Witney
NAY: None**

AGREEMENT NO. 2014-743

REGULAR AGENDA

1. RECOGNITION OF THE UTAH COUNTY EMPLOYEE OF THE MONTH FOR NOVEMBER 2014
Mike Kniephof of the Information Systems Department was recognized as the Utah County Employee of the Month for November 2014.

2. APPROVE AND ADOPT A RESOLUTION TRANSFERRING FUNDS BETWEEN DEPARTMENTS OF UTAH COUNTY

Commissioner Anderson questioned the transfer of funds from a restricted account to purchase jet skis, and Utah County Sheriff James O. Tracy clarified there is some contribution from the sales of the old skis. Commissioner Anderson questioned whether the funds can only be used for emergency services, mentioning an email in which money had been requested for the medical account. He suggested medical needs could take priority over jet skis, and Wally Perschon of the Utah County Sheriff's Office detailed the account information. Commissioner Witney pointed out that tentative approval had been given for the transfer last week, but a major expense occurred over the weekend. Sheriff Tracy explained how an inmate swallowed a pencil, and then his own dentures later in the day; this led to two MRI scans.

Commissioner Ellertson made the motion to adopt the resolution transferring funds between departments as outlined in Regular Agenda Item No. 2. The motion was seconded by Commissioner Witney and carried with the following vote:

**AYE: Larry A. Ellertson
Doug Witney
NAY: Gary J. Anderson**

RESOLUTION NO. 2014-117

5. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN AN AMENDMENT TO AGREEMENT NO. 2013-541 WITH GSBS ARCHITECTS TO ADD THE NORTH STEPS OF THE ADMINISTRATION BUILDING TO THEIR SCOPE OF WORK

Utah County Public Works Associate Director Don Nay clarified that these are the steps for the administration building at 100 East Center Street, not the Historic Courthouse which has already broken ground at 51 South University Avenue.

Commissioner Ellertson made the motion to approve and authorize an amendment to Agreement No. 2013-541 with GSBS Architects to add the North steps of the Administration Building as identified in Regular Agenda Item No. 5. The motion was seconded by Commissioner Witney and carried with the following vote:

**AYE: Gary J. Anderson
Larry A. Ellertson
Doug Witney
NAY: None**

AGREEMENT NO. 2014-744

6. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN A COOPERATIVE AGREEMENT WITH THE UTAH DEPARTMENT OF TRANSPORTATION FOR THE JURISDICTIONAL TRANSFER OF NORTH COUNTY BOULEVARD TO UDOT, AND SR-146 TO UTAH COUNTY; AND AUTHORIZE THE UTAH COUNTY CLERK/AUDITOR TO SIGN A QUIT CLAIM DEED FOR PARCELS WITHIN NORTH COUNTY BOULEVARD

Commissioner Ellertson summarized that this for the transfer of SR-146 to the county in exchange for North County Boulevard going to the Utah Department of Transportation (UDOT). Commissioner Anderson expressed confusion over the fact that the state is not taking over, and Commissioner Ellertson explained the state did not agree to the trade for the southern pieces. They discussed operating procedures and Commissioner Witney asked about the \$3,300,000 figure compared to the initial \$2,500,000 discussed, and Commissioner Ellertson clarified.

UTAH COUNTY BOARD OF COMMISSIONERS
MINUTES - November 4, 2014
Page 6

Commissioner Anderson stated he does not want the road. Utah County Public Works Associate Director Don Nay agreed, but stated it is not his choice. When Commissioner Ellertson noted the county made a commitment, Commissioner Anderson pointed out that the cities have not kept up their end of the agreement. Commissioner Ellertson stated he is still negotiating with the cities. Commissioner Anderson asked what would occur if the county refuses control of SR-146; Commissioner Ellertson mentioned there could be liability issues since the agreement was made in order for the county to purchase right-of-way with corridor preservation funds. Commissioner Witney also voiced his lack of excitement, and Commissioner Ellertson repeated that they can continue working with the cities.

Commissioner Witney asked about the county ability to clear the roads and Don Nay indicated it is possible. Utah County Deputy Attorneys Paul Jones, David Shawcroft, and Robert Moore approached to address legal concerns. Commissioner Ellertson requested a change to the language in Paragraph 2 in order to read "as determined by the county." Mr. Shawcroft and Mr. Moore explained how the cities are going to transfer before the county transfers to the state, and addressed liability issues. Mr. Moore and Commissioner Ellertson discussed deeds, and Commissioner Ellertson mentioned that UDOT is getting anxious.

Commissioner Ellertson made the motion to continue Regular Agenda Item No. 6 regarding a cooperative agreement with the Utah Department of Transportation for the transfers of North County Boulevard and SR-146 for two weeks to the November 18, 2014 meeting of the Utah County Board of Commissioners. The motion was seconded by Commissioner Witney and carried with the following vote:

**AYE: Gary J. Anderson
Larry A. Ellertson
Doug Witney
NAY: None**

CONTINUED TO NOVEMBER 18, 2014

7. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN AN AGREEMENT WITH MSK ENTERPRISE, LLC DBA MOUNTAIN WEST HEARING CENTER

Commissioner Witney noted a similar agreement recently approved for the Utah County Sheriff's Office, and Sheriff James O. Tracy clarified that the previous contract for the bomb squad; this request is for the Fire Department. Kevin Cortez of the Utah County Sheriff's Office confirmed, stating that seven units will be purchased for full-time staff. Sheriff Tracy added that there is enough money if some transfers are approved. Commissioner Ellertson asked if this is from grant funds, and Mr. Cortez stated no. They talked about maintaining a standard. Mr. Cortez explained how the crew works, and detailed how this expense will free up personnel to actually fight fires. Commissioner Witney expressed safety is a priority.

Commissioner Witney made the motion to approve and authorize an agreement with MSK Enterprise, LLC dba Mountain West Hearing Center as discussed in Regular Agenda Item No. 7. The motion was seconded by Commissioner Ellertson and carried with the following vote:

**AYE: Gary J. Anderson
Larry A. Ellertson
Doug Witney
NAY: None**

AGREEMENT NO. 2014-745

8. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN AN AGREEMENT WITH CLARK A. PARIS TO PROVIDE "THE PAIN BEHIND THE BADGE" SEMINAR(S) TO UTAH COUNTY SHERIFF'S OFFICE DEPUTIES ON NOVEMBER 12 AND NOVEMBER 13, 2014

UTAH COUNTY BOARD OF COMMISSIONERS

MINUTES - November 4, 2014

Page 7

Commissioner Ellertson asked whether this training meets requirements, and Utah County Sheriff James O. Tracy confirmed it is for POST (Peace Officer Standards and Training) re-certification. Shawn Radmall of the Utah County Sheriff's Office commented on the importance of mental health in the field, and Commissioner Ellertson praised law enforcement for their commitment to community.

Commissioner Ellertson made the motion to approve and authorize an agreement with Clark A. Paris to provide "The Pain Behind the Badge" seminar(s) as detailed in Regular Agenda Item No. 8. The motion was seconded by Commissioner Witney and carried with the following vote:

**AYE: Gary J. Anderson
Larry A. Ellertson
Doug Witney
NAY: None**

AGREEMENT NO. 2014-746

At this point, the commissioners determined which closed meetings would be necessary to set and which could be stricken from the Regular Agenda.

13. SET A DATE, TIME AND LOCATION FOR A CLOSED MEETING FOR A STRATEGY SESSION TO DISCUSS THE PURCHASE, EXCHANGE, OR LEASE OF REAL PROPERTY

STRICKEN

15. SET A DATE, TIME AND LOCATION FOR A CLOSED MEETING TO DISCUSS COMMERCIAL INFORMATION AS DEFINED IN SECTION 59-1-404, U.C.A., AS AMENDED

STRICKEN

Commissioner Witney made the motion to strike Regular Agenda Item Nos. 13 and 15 to set dates, times and locations for closed meetings for a strategy session to discuss the purchase, exchange, or lease of real property; and to discuss commercial information as defined in Section 59-1-404, U.C.A., as amended. The motion was seconded by Commissioner Ellertson and carried with the following vote:

**AYE: Gary J. Anderson
Larry A. Ellertson
Doug Witney
NAY: None**

11. SET A DATE, TIME AND LOCATION FOR A CLOSED MEETING TO DISCUSS THE CHARACTER, PROFESSIONAL COMPETENCE, OR PHYSICAL OR MENTAL HEALTH OF AN INDIVIDUAL OR INDIVIDUALS

Commissioner Witney made the motion to set a date, time and location for a closed meeting to discuss the character, professional competence, or physical or mental health of an individual or individuals to immediately follow the public comment portion of the regular public meeting today in Room 1400 of the County Administration Building. The motion was seconded by Commissioner Ellertson and carried with the following vote:

**AYE: Gary J. Anderson
Larry A. Ellertson
Doug Witney
NAY: None**

SET

12. SET A DATE, TIME AND LOCATION FOR A CLOSED MEETING FOR A STRATEGY SESSION TO DISCUSS PENDING OR REASONABLY IMMINENT LITIGATION

Commissioner Witney made the motion to set a date, time and location for a closed meeting for a strategy session to discuss pending or reasonably imminent litigation to immediately follow the previously scheduled closed meeting today in Room 1400 of the County Administration Building. The motion was seconded by Commissioner Ellertson and carried with the following vote:

**AYE: Gary J. Anderson
Larry A. Ellertson
Doug Witney
NAY: None**

SET

14. SET A DATE, TIME AND LOCATION FOR A CLOSED MEETING FOR A STRATEGY SESSION TO DISCUSS THE SALE OF REAL PROPERTY

Commissioner Witney made the motion to set a date, time and location for a closed meeting for a strategy session to discuss the sale of real property to immediately follow the previously scheduled closed meetings today in Room 1400 of the County Administration Building. The motion was seconded by Commissioner Ellertson and carried with the following vote:

**AYE: Gary J. Anderson
Larry A. Ellertson
Doug Witney
NAY: None**

SET

WORK SESSION

NO WORK SESSION ITEMS WERE SUBMITTED

PUBLIC COMMENTS

There were no public comments and the meeting recessed at 9:49 A.M. to go into closed meetings. The public meeting reconvened at 11:51 A.M.

Commissioner Witney made the motion to adjourn the November 4, 2014 meeting of the Utah County Board of Commissioners. The motion was seconded by Commissioner Ellertson and carried with the following vote:

UTAH COUNTY BOARD OF COMMISSIONERS
MINUTES - November 4, 2014
Page 9

**AYE: Gary J. Anderson
Larry A. Ellertson
Doug Witney
NAY: None**

There being no further business nor public comment, the meeting adjourned at 11:51 A.M. The minutes of the November 4, 2014 Commission meeting were approved as transcribed on November 25, 2014.

GARY J. ANDERSON, Commission Chair

ATTEST:

BRYAN E. THOMPSON
Utah County Clerk/Auditor